S T A T E O F N E W Y O R K

3914

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. KOON -- Multi-Sponsored by -- M. of A. COOK, HOOPER, LAVINE, MAYERSOHN, SWEENEY -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to prohibiting recovery in tort in favor of those injured while driving drunk or committing a felony; and to repeal section 1413 of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1413 of the civil practice law and rules is REPEALED and a new section 1413 is added to read as follows:

S 1413. APPLICABILITY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO ACTION IN TORT MAY BE BROUGHT BY ANY PERSON, OR BY THE HEIRS OR REPRESENTATIVES OF ANY PERSON, FOR THE RECOVERY OF DAMAGES FOR INJURIES OR DEATH RESULTING IN WHOLE OR IN PART FROM THAT PERSON'S DRIVING WHILE INTOXICATED, AS DEFINED IN SUBDIVISION TWO OR THREE OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, OR DRIVING WHILE HIS OR HER ABILITY IS IMPAIRED BY DRUGS, AS DEFINED IN SUBDIVISION FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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